

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

Civil Action Nos. 6:20-cv-00726-ADA
6:20-cv-00727-ADA
6:20-cv-00728-ADA
6:20-cv-00730-ADA

JURY TRIAL DEMANDED

**DECLARATION OF TIMOTHY J. ROUSSEAU IN SUPPORT OF BRAZOS'S OPPOSITION TO
HPE'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(B)(1)**

I, Timothy J. Rousseau, declare as follows:

1. I am an attorney with Brown Rudnick LLP, counsel to plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development ("Brazos"). I am a member of the bar of this Court. I submit this declaration in support of Brazos's Opposition to Defendant Hewlett Packard Enterprise Company ("HPE")'s Motion to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Federal Rule of Civil Procedure 12(b)(1). I have personal knowledge of the matters stated in this Declaration and would testify truthfully to them if called upon to do so.

2. Attached as Exhibit A to Brazos's Opposition to are true and correct excerpts from Amended Schedule A to the August 2, 2017 Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00008960.

3. Attached as Exhibit B to Brazos's Opposition is a true and correct copy of the November 30, 2017 Second Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00009843.

4. Attached as Exhibit C to Brazos's Opposition is a true and correct copy of the December 22, 2017 Third Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00010096.

5. Attached as Exhibit D to Brazos's Opposition is a true and correct copy of the March 1, 2019 Fourth Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00010332.

6. Attached as Exhibit E to Brazos's Opposition is a true and correct copy of the November 26, 2019 Letter Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011045.

7. Attached as Exhibit F to Brazos's Opposition is a true and correct copy of the January 1, 2020 Sixth Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011073.

8. Attached as Exhibit G to Brazos's Opposition is a true and correct copy of the September 8, 2021 Letter Agreement [REDACTED], which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00020137.

9. Attached as Exhibit H to Brazos's Opposition is a true and correct copy of the November 1, 2017 Patent Purchase and License Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011257.

10. Attached as Exhibit I to Brazos's Opposition is a true and correct copy of the February 6, 2018 Patent License and License Option Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011670.

11. Attached as Exhibit J to Brazos's Opposition is a true and correct copy of the March 22, 2018 License Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011298.

12. Attached as Exhibit K to Brazos's Opposition is a true and correct copy of the April 10, 2018 License Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011590, with the signature page produced by Brazos at Bates number WSOU-HPE-00011608.

13. Attached as Exhibit L to Brazos's Opposition is a true and correct copy of the November 14, 2018 License Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011618.

14. Attached as Exhibit M to Brazos's Opposition is a true and correct copy of the November 14, 2018 License Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011635.

15. Attached as Exhibit N to Brazos's Opposition is a true and correct copy of a printout of the webpage <https://www.brazoslicensing.com/about> that I created on October 19, 2021.

16. Attached as Exhibit O to Brazos's Opposition is a true and correct copy of a printout of the webpage <http://wadeandcompany.com> that I created on October 19, 2021.

17. Attached as Exhibit P to Brazos's Opposition is a true and correct copy of Brazos's First Supplemental Responses and Objections to HPE's First Sets of Interrogatories (Case Specific Interrogatory No. 3), which was served by Brazos on October 1, 2021.

18. Attached as Exhibit Q to Brazos's Opposition is a true and correct copy of the transcript of the November 23, 2020 Telephonic Scheduling Conference held in these cases.

19. Attached as Exhibit R to Brazos's Opposition is a true and correct copy of the Declaration of Craig Etchegoyen, which was executed on October 21, 2021.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on October 21, 2021 in New York, New York.

/s/ Timothy J. Rousseau

Timothy J. Rousseau